

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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DANIEL J. COWICK,

Petitioner,

v.

Case No. 07-C-0197

PAM WALLACE,

Respondent.

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**ORDER**

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On May 30, 2008, the respondent in this federal habeas corpus proceeding filed a report regarding the submission to this court of the recording of a witness statement that was introduced during the petitioner's probation revocation hearing. According to the respondent, a search for the audio recording was unsuccessful. However, the respondent was able to find the recording of petitioner's probation revocation hearing.

This recording was made by the presiding Administrative Law Judge at Cowick's hearing. Included on this recording is the sound of the undiscovered recording that was introduced and played at the revocation hearing on September 11, 2002. This report is now submitted to this court electronically. A copy of the probation revocation hearing - in CD format - is on its way to the court by mail. A copy of the recording and this report has been served upon petitioner Cowick by mailing today.

(Resp's Report at 2-3.)

Given the foregoing, and given that the parties have filed their briefs with respect to the issues raised in Cowick's petition, we are now poised to get this proceeding back on the decision track. No further action by the parties is necessary.

Further, the reception of the respondent's report, in conjunction with the respondent's previous court filings, renders moot the petitioner's "Motion for an Order to produce the Entire State

Court Record and Motion for an Order to produce the audio/video tape” filed with the court on April 14, 2008.

**NOW THEREFORE IT IS ORDERED** that the petitioner’s “Motion for an Order to produce the Entire State Court Record and Motion for an Order to produce the audio/video tape” (dkt # 61) be and hereby is **DENIED AS MOOT**.

**SO ORDERED** this 2nd day of June 2008, at Milwaukee, Wisconsin.

/s/ William E. Callahan, Jr.  
WILLIAM E. CALLAHAN, JR.  
United States Magistrate Judge